

S/N 10/086,765

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HEI ET AL. Examiner: N. LEVY
Serial No.: 10/086,765 Group Art Unit: 1616
Filed: FEBRUARY 28, 2002 Docket No.: 163.1587US01
Title: TWO SOLVENT ANTIMICROBIAL COMPOSITIONS AND METHODS EMPLOYING THEM

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on June 23, 2003.

By: _____

Name: Mark T. Skoog

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is being submitted in response to the Restriction and Species Election Requirement mailed May 21, 2003. The one month date for response fell on Saturday, June 21, 2003 making this response on Monday, June 23, 2003 timely.

Applicants respectfully traverse both the restriction and species election requirements.

Applicants provisionally elect the claims of Group II (claims 21-29 and 31) for prosecution in the instant application. Applicants respectfully submit that each of the groups of claims relates to different aspects of the same invention. The concentrates of group II are used to form the compositions of group III, and the claims of group I relate to methods employing these compositions. Certainly, searching compositions and methods of using them simultaneously as appropriate. Further, searching for the concentrates of group II will find the compositions of group III and the methods of group I. Accordingly, restriction is improper in this case.

Applicants provisionally select as a species of antimicrobial agent: peroxy acids.

Applicants note that all of the claims are generic.

Applicants provisionally select as a species of antimicrobial solvent: ester. Applicants note that claims 1-9, 1-28, 30-40, and 42-49 are generic.

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Applicants provisionally select as a species of treatment: hard surfaces. Applicants note that claims 1-12, 15, and 20 are generic.

Applicants provisionally select as a species of diluting solvent: water. Applicants note that claims 1, 3-20, 30, 32, 34-41, 48, and 49 are generic.

Each of the claims for which species election is required are independent claims that read on non-elected species or dependent claims that depend from such claims. In examining the generic claims, the Examiner will necessarily have to consider the non-elected species. Accordingly, the species election requirement is improper. Further, Applicants are permitted to include a reasonable number of species in their claims. The present claims include no more than a reasonable number of species. Accordingly, Applicants respectfully request withdrawal of the species election requirement.


Applicants note that upon allowance of a generic claim, each species election requirement will be withdrawn.

Examination on the merits is respectfully requested.

Respectfully submitted,

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Date: 6-23-03


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TO: Commissioner for Patents
Attn: Examiner Neil Levy
Patent Examining Corps
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FROM: Mark T. Skoog

OUR REF: 163.1587US01
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RESPONSE TO RESTRICTION
REQUIREMENT

Applicant: HEI ET AL.
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Our Ref. No.: 163.1587US01

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Mark T. Skoog
Name: Mark T. Skoog
Reg. No.: 40,178

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

June 23, 2003

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